

REMARKS

The Examiner's Action dated July 12, 2007, has been received, and its contents carefully noted.

The rejection of claims 30, 36, 39, 43, 44, 47 and 49 as anticipated by DeBaratolo is respectfully traversed for the reason that the novel structure defined in these claims, and particularly in independent claims 39, 47 and 49 is not disclosed in the applied reference.

Independent claim 39 is directed to an "electrical wiring trunking". The applied reference does not disclose an electrical wiring trunking. Rather, this reference simply discloses a component that is referred to as a conduit adapter assembly, which is an adapter for a surface mounted ducted system. This adapter is suitable for connection to wiring trunking, but does not, in itself, constitute wiring trunking.

An adapter of the type disclosed in the applied reference is, by its nature, compact and short and it is clear from the drawings of this reference that the adapter does not have a U-shaped cross section along its entire length.

Moreover, claim 39 specifies that the electrical wiring trunking comprises a base portion constituted by a thermoplastics material section, both independent claims 39 and 47 specify that thermoplastics material section has a U-shaped cross section and each independent claim 39, 47 and 49 specifies that the section comprises a substantially flat wall, or part. Each of these claims further specifies that the wall contains "a longitudinal succession of mechanically weakened areas, each mechanically weakened area being a precursor for a hole having a closed periphery". In contrast,

the adapter disclosed in the applied reference has two walls that extended right angles to one another, and each of those walls has only one element that can be considered to be a hole precursor.

Thus, the recitation in each independent claim that the substantially flat wall "contains a longitudinal succession of mechanically weakened areas, each mechanically weakened area being a precursor for a hole having a closed periphery" is not disclosed in the applied reference.

Since a rejection under 35 U.S.C. 102 is proper only on the basis of a reference that discloses every feature recited in a claim, it is clear that the applied reference does not disclose the article defined in the independent claims of the present application, at least for the reason that it does not disclose a flat wall, or section, having a longitudinal succession of mechanically weakened areas, as specifically defined in each of the independent claims.

It is believed important to understand that the provision of hole precursors is particularly significant when the precursors are provided in a section of wiring trunking, which normally has a substantial length, so that area containing hole precursors will be more rigid than if the holes were formed completely. Specification, page 2, lines 22-28. Therefore a longitudinal succession of mechanically weakened areas, when provided in wiring trunking, offers a significant benefit over trunking having completely formed holes. The structures disclosed in the applied references are such that hole precursors do not provide this benefit.

Moreover, even though the rejection under consideration involves anticipation, it would be appropriate

to note that the nature of the adapter disclosed in the DeBaratolo reference is such that useful embodiments thereof would not be provided with such a longitudinal succession of mechanically weakened areas in one flat wall.

Claim 30 further distinguishes over DeBaratolo because that reference does not disclose a blind hole whose bottom is constituted by a continuous web. The only configuration disclosed in this reference is a hole precursor composed of a part of the adapter, punch-out 94, surrounded by concentric circular grooves 96 and 98 (specification, column 6, lines 22-24). Clearly, this does not correspond to a blind hole having a bottom constituted by a continuous web.

Claim 43 distinguishes over DeBaratolo by its recitation of an electrical wiring trunking constituted by a base portion constituted by a thermoplastics material according to claim 47.

The rejection of claims 31, 33, 34, 37, 40, 42, 45 and 50 as unpatentable over DeBaratolo in view of Gehrs is also respectfully traversed, at least for the reason that these claims depend from allowable claims and should be considered allowable along therewith.

Furthermore, claim 31 differs from the prior art by its recitation that at least one of the hole precursors has an oblong shape. The rejection of this claim is based on the view that a particular shape "carries no patentable weight...", reliance being placed on MPEP Section 2144.04. It is noted that the only decision cited in the relevant part of that section of the Manual regarding changes in shape deals with the shape of the entire claimed device, and not the shape of a specific feature of the device. It is submitted that an

oblong shape has the advantage of allowing easy adjustment of the position of the trunking relative to the associated fastening elements, or adjustments to inaccuracies in the location of those elements.

Claim 33 clearly further distinguishes over the teachings of the applied references by its recitation that each hole precursor is a through-hole surrounded by a continuous annular web having a thickness that is less than that of the wall. Neither of the applied references discloses a hole precursor that includes through-hole. A through-hole is, by definition, a hole that extends completely through the wall. The precursor disclosed by DeBaratolo consists only of a punch-out 94 (which is constituted by material of the adapter wall) and grooves 96 and 98. Thus, there is no through-hole in the precursor disclosed in that reference. Similarly, in the case of Gehrs, the precursor does not have a through-hole, as can be seen most clearly in Figure 3 of that reference.

Claims 37, 40 and 42 further distinguish over the applied references in the same manner as claim 31.

Claim 45 further distinguishes over the applied references in that it is directed to an electrical wiring trunking. Neither of the applied references discloses such an article.

Finally, claims 45 and 50 further define patentably over the applied references by the recitations that at least some of the hole precursors are adapted to receive a fixation screw. There is no disclosure in either of the applied reference that the precursors disclosed therein are provided, or can be used, for that purpose.

New claims 51-60 define further novel features of the invention that are not disclosed in or suggested by the applied references. These new claims, which depend from various ones of the previously submitted claims, specify, respectively, that the thermoplastics material section has two opposed ends and is open at said two oppose ends; that the thermoplastics material section has a constant cross section; and that in the trunking defined in claim 30, the continuous web has a substantially constant thickness. Support for these recitations will be found in the specification at page 5, lines 25-29 and at page 6, line 25.

Specifically, the specification discloses, at page 5, lines 25-29, that it is advantageous if the thermoplastics material section is extruded. Extrusion of a part having a U-shaped cross section will inherently and inevitably produce a section that is will be open at both ends, and this structural feature is clearly illustrated in the drawings. Neither of the applied references discloses a section having a constant cross section and being open at both ends.

As regards the limitation in claim 60, which is disclosed at page 6, lines 25 of the present specification, it is clear that DeBaratolo does not disclose a web and that the web disclosed by Gehrs, and shown most clearly in Figure 3 thereof, does not have a substantially constant thickness.

In view of the foregoing, it is requested that the rejections of record be reconsidered and withdrawn, that the pending claims be allowed and that the application be found in allowable condition.

In view of the extensive prosecution that this application has had and the fact that, at this late stage in

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the prosecution, entirely new references have been relied upon, it is believed that if the present Amendment does not place the application in allowable condition, an interview to seek to resolve remaining issues would be quite appropriate. Therefore, the Examiner is asked to contact undersigned counsel to discuss such an interview if the application is not now allowable.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By /jmf/
Jay M. Finkelstein
Registration No. 21,082

JMF:smb
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
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